

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 United States of America,

Case No.: 2:14-cr-0012-JAD-NJK

4 Plaintiff

5 v.

**Order Denying Motion
to Reinforce Judgment**

6 Darnell Maurice Smith,

[ECF No. 55]

7 Defendant

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9 Defendant Darnell Maurice Smith was sentenced to eight months in the custody of the
10 Bureau of Prisons (BOP) after his supervised release was revoked.¹ In the judgment, the Court
11 recommended that Smith be designated to FCI Butner or another medical facility,² but Smith
12 reports that the BOP sent him to FCI Victorville, which lacks medical facilities for his needs.³
13 Smith moves the Court to “reinforce the previous Judgment given so that [he] could be
14 designated to a FCI Institution [that] can fulfill [his] medical needs”⁴

15 But Smith’s request is based on a misunderstanding. He believes that “the Court ordered
16 that Mr. Smith be designated to” a particular facility, when the Court merely *recommended* that
17 designation. Indeed, the Court lacks the power to “order” the BOP to place a prisoner anywhere
18 in particular because federal law gives the BOP the discretion to determine where to place an
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22 ¹ ECF No. 54.

23 ² *Id.*

³ ECF No. 55.

⁴ *Id.*

1 inmate.⁵ At most, the Court can recommend a facility, but the BOP does not have to follow that
2 recommendation.

3 Because this Court did not—and could not—“order” the BOP to place Smith at FCI
4 Butner or another appropriate medical facility, IT IS HEREBY ORDERED that Smith’s Motion
5 to Reinforce Judgment [ECF No. 55] is **DENIED**.

6 Dated: October 18, 2019

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9 U.S. District Judge Jennifer A. Dorsey
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⁵ 18 U.S.C. § 3621(b).